

REMARKS

These Remarks are in reply to the final Office Action mailed March 7, 2003. Claims 6, 9, 11, 19 and 24-27 have been amended and no claims have been added or canceled, such that claims 1-27 are currently pending. All claims are provided above for the Examiner's convenience.

Claim Objections

Claims 9-18 were objected to because the term "information handling system" was deemed an "informality." The basis for such an objection is not understood. The Office suggests that failure to change this term might result in a restriction requirement. However, it does not appear that there is any basis for imposing a restriction requirement here. It appears the Office has properly addressed the claims as originally filed, and further such treatment of these claims is respectfully requested.

The numbering of originally filed claims 24-26 was also objected to due to the presence of two claims numbered "24," and the Office has renumbered the claims 24-27. Applicant thanks the Examiner for this action, and has accordingly renumbered the claims as presented above.

Rejection under 35 U.S.C. § 102

Claims 1-3, 8, 9, 15, 18-21 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,046,889 to Berding et al. (hereinafter "Berding").

Claim 1 as amended recites an actuator assembly comprising "a main body having an . . . opening" as well as "a portion of a voice coil motor positioned within the opening". The Office asserts that Berding meets this limitation as described therein from col. 4, line 66 to col. 5, line 8. In fact, Berding does not disclose a voice coil motor at all, but merely discloses magnets 400,402 for holding a knife-edge actuator pivot assembly together in no way are these magnets disclosed as exerting a motive force, much less being capable of doing so in combination with a voice coil of some sort.

Because Berding's magnets 400,402 cannot reasonably be construed as forming "part of a voice coil motor" as required by claim 1, it is respectfully requested that the rejection be withdrawn and claim 1 allowed.

Claims 2 and 3 depend from claim 1 and are allowable for at least this reason.

Claim 9 recites an information handling system comprising "a coil attached to [a] yoke," "an actuator assembly having an opening therein," and "at least two magnets positioned near the opening, the magnets and coil forming a voice coil motor". The Berding does not even disclose a coil, and the Office does not even address this critical omission. Because Berding cannot reasonably be construed as meeting the limitations set forth above, withdrawal of the rejection and allowance of claim 9 is respectfully requested.

Claims 15 and 18 depend from claim 9 and are allowable for at least this reason. Moreover, it is noted that claim 15 depends from claim 11, which was not addressed under this ground of rejection. If the Office insists upon maintaining the rejection of claim 15, a proper ground of rejection is respectfully requested.

Claim 19 recites "means for moving the actuator assembly, the moving means being attached to the actuator assembly." Berding does not disclose means for moving the actuator assembly. For at least this reason, withdrawal of this rejection and allowance of claim 19 is respectfully requested.

Claims 20, 21 and 23 depend from claim 19 and are allowable for at least this reason.

Claim Rejections - 35 U.S.C. § 103

Claims 4-7, 10-14, 22 and 24-27 were rejected under 35 U.S.C. § 103(a) as being obvious over Berding.

Claims 4-7 depend from claim 1 and are allowable for at least this reason, but are allowable for additional reasons as well. The Office acknowledges that Berding does

not disclose "a coil," "substantially orthogonal to one another," "substantially circularly oriented" or "arranged as a Halbach array" as required by claims 4, 5, 6 and 7 respectively. Rather than making a *bon fide* attempt to address the shortcomings however, the Office has effectively brushed them off by insisting that to so modify Berding would represent "obvious routine arrangement engineering choices in order to improve the rotation characteristics of the actuator assembly." Such a statement borders on the ridiculous, given that Berding does not even disclose an arrangement for effecting movement of the actuator - the suggestion that providing Berding with the claimed structure is routine simply cannot be taken seriously. If the Office insists upon maintaining this absolutely groundless rejection, genuine treatment of these claim limitations is respectfully requested.

The rejections of claims 11, 12, 20, 22 and 24-27 are traversed for the same reasons as those set forth above with respect to claims 4-7.

The Office suggests that, despite the fact that Berding fails to even disclose a yoke, that to make such a yoke of the materials recited in claims 13 and 14 would have been obvious "to improve rotation characteristics" given that it is "within the general skill of a worker in the art to select a known material on the basis of its suitability." Again, Berding does not even disclose a yoke, nor has the Office made even the slightest effort to address this critical deficiency. If the Office insists upon maintaining this rejection, Applicant respectfully requests that a rationale be presented which can be taken seriously.

Allowable Subject Matter

The Examiner is thanked for the indication that claims 16 and 17 include allowable subject matter. Because it is believed that claim 9 is allowable as filed, the claims have not been amended as proposed by the Examiner.

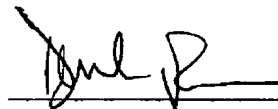
Conclusion

For reasons set forth above, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is respectfully requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

Seagate Technology LLC
(Assignee of the Entire Interest)



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Date

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